

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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| In the Matter of |) | |
| |) | |
| E911 Requirements for IP-Enabled Service Providers |) | WC Docket No. 05-196 |
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Subscriber Acknowledgement Report (October 25, 2005)

Primus Telecommunications, Inc. ("Primus") hereby submits this Fourth Subscriber Notification and Acknowledgement and Compliance Report in accordance with the Further Guidance provided by Enforcement Bureau of the Federal Communications Commission ("Commission") on September 27, 2005.¹

I. INTRODUCTION.

As described in Primus's Subscriber Notification and Compliance Report filed on August 10, 2005 ("Initial Report"), the Second Subscriber Notification and Compliance Report filed on September 1, 2005 ("Second Report"), and the Third Subscriber Notification and Compliance Report filed on September 22, 2005 ("Third Report") (collectively, the "Compliance Reports"), Primus provides a voice over internet protocol ("VoIP") solution that falls within the scope of Section 9.5 of the Commission's Rules in the above-referenced docket. As described in the Compliance Reports, Primus has issued a 911 safety advisory ("Advisory") and is taking steps to obtain acknowledgements

¹ Public Notice, "Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement," DA 05-2530 (rel. September 27, 2005).

regarding that Advisory. As of the date of the last filing, Primus had not received acknowledgements from at least 90% of its customers, and is submitting this Fourth Subscriber Notification and Compliance Report so that the Commission will continue to refrain from taking any enforcement action against Primus as described in the most recent Further Guidance issued by the Enforcement Bureau.²

II. PRIMUS'S UPDATES TO ITS THIRD REPORT.

A. A detailed explanation the efforts Primus has taken to obtain acknowledgements from the remainder of its subscriber base.

As described in its Third Report, Primus received affirmative acknowledgements from approximately eighty-four percent (84%) of its subscriber base as of 10 a.m. September 22, 2005. Primus continued contacting its active customer accounts via telephone and with weekly e-mail, and as of the date of this filing, Primus has received Advisory acknowledgements from 100% of those customers. For new customers, Primus has a strict policy of not initiating service until the Advisory acknowledgement is obtained, and the required warning stickers are distributed.

B. Explain why Primus had been unable to achieve an acknowledgment percentage closer to 100%.

In its Third Report, Primus estimated that it would not receive acknowledgements from approximately ten percent (10%) of its subscriber base by September 28, 2005. (See FN 3, page 3, of Third Report). This estimate was based on the fact that as a result of multiple reorganizations within Primus, the most up-to-date customer list appeared to be outdated – that is, there were a number of customers that had signed up for the service (most likely on a trial basis) and may have cancelled service, but Primus did not have any records of cancellation. Thus, the accounts remained technically “open” even though the

² *Id.*

customer either never used the product, or had not used the product for at least the past six (6) months.

Primus attempted numerous times to contact these companies to verify status and obtain the Advisory acknowledgement, but was not able to reach them via phone, e-mail or letter. It became clear that these companies were either no longer in business, had moved, or did not desire the Primus services – mail (either via USPS or electronic) was returned as undeliverable and telephone numbers were disconnected (or generated a fast busy signal). Primus received no response to either the mail that was not returned, or the voicemails Primus left on company answering machines. As such, Primus suspended the VoIP service on these accounts as of September 30, 2005, with no complaints from any of those customers. Since that time, Primus has only received one Advisory acknowledgement (for which Primus immediately restored service without adverse consequence to the customer). Due to the small size of this customer base, the failure of these few companies to respond to the acknowledgement requests, effectively skewed the percentages, such that Primus was reporting a response rate under 90%. Primus is now treating those accounts as closed.

C. Current Percent of Acknowledgements Primus has Received as of the Date of This Filing.

As of 5 p.m. EST October 24, 2005, Primus's has received Advisory acknowledgements from 90.9% of its current customer base. Primus anticipates obtaining 100% of these acknowledgements, as the remainder consists of only new customers, and service will not be initiated until the acknowledgement is received.

Respectfully Submitted,

PRIMUS TELECOMMUNICATIONS, INC.



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